

# **EXHIBIT E**

As divided in committee  
June 7, 2006.

FILE NO. 060849

ORDINANCE NO.

200-06

[General Advertising Signs - Fees.]

Ordinance amending the Planning Code to add Section 358 to establish fees for Planning Department processing and review of General Advertising Sign Inventories, annual Inventory maintenance, Relocation Agreements, and in-lieu applications and to provide for annual adjustment of said fees; amending Section 604.2 to cross reference these fees; and adopting findings including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Note:

Additions are single-underline italics Times New Roman;  
deletions are ~~strikethrough italics Times New Roman~~.  
Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Board of Supervisors finds that this ordinance will serve the public convenience and welfare in that it provides for a mechanism to implement the intent of the voters in enacting Proposition G and for the additional reasons set forth in Planning Commission Resolution No. 17224 recommending approval of this Planning Code amendment, which reasons are incorporated herein by this reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in Board File No.

060849

(b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) and with the City's General Plan and hereby adopts and incorporates herein by reference the findings of the Planning Commission, as set forth in Commission Resolution No. 17224.

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(c) The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 060849 and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by adding Section 358 to read as follows:

SEC. 358. GENERAL ADVERTISING SIGNS FEES.

(a) The fee for the relocation agreement application pursuant to Section 611 and Administrative Code Section 2.21 shall be \$1,000.00 per individual relocation agreement application.

(b) The fee for the initial inventory processing pursuant to Section 604.2 shall be \$560.00 per sign structure.

(c) The fee for an in-lieu application pursuant to Section 604.1 shall be \$320.00 per sign structure.

(d) The fee for annual inventory maintenance pursuant to Section 604.2 shall be \$48.00.

(e) Fee Review and Adjustment. Beginning with fiscal year 2007-2008, the fees established in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the Director shall submit the Department's current fees schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which the fee is charged and (b) the fees do not produce revenue that exceeds the costs of providing the services for which each permit fee is charged. Notwithstanding the

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1 procedures set forth in this Section, the Board of Supervisors, in its discretion, may modify the fees by  
2 ordinance at any time.

3 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
4 604.2 to read as follows:

5 SEC. 604.2 GENERAL ADVERTISING SIGN INVENTORIES.

6 (a) Submission of Initial Sign Inventory. Within 60 days of the effective date of this  
7 Section, any general advertising sign company that owns a general advertising sign located in  
8 the City shall submit to the Department a current, accurate, and complete inventory of its  
9 general advertising signs together with the inventory processing fee required by subsection (f)  
10 below. Any general advertising company that commences ownership of one or more general  
11 advertising signs located in the City after the effective date of this Section shall submit an  
12 inventory together with the inventory processing fee within 60 days after its commences such  
13 ownership whether or not the signs on the inventory have previously been reviewed by the  
14 Department in its review of the inventory of a previous owner.

15 (b) All Signs to be Included in the Inventory; Inclusion Not Evidence of Legality.  
16 The inventory shall identify all general advertising signs located within the City that the  
17 general advertising company owns and/or operates under a lease, license or other agreement  
18 whether or not those signs can be proved to be lawfully existing. Inclusion of a sign on the  
19 inventory shall not be considered evidence that a sign is lawfully existing.

20 For purposes of this Section, a "general advertising sign company" shall mean an entity  
21 that owns a general advertising sign structure, as distinguished from the person or entity that  
22 owns the property on which the sign is located.  
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1 (c) The initial sign inventory required by subsection (a) above shall include a site  
2 map that shows the location of all signs identified in the inventory, and shall provide the  
3 following information for each sign:

4 (1) the location of the sign by street address by block and lot, and by nearest  
5 intersection;

6 (2) a photograph of the sign in its existing location on the lot, specifically identifying  
7 the sign;

8 (3) the date of original erection or installation of the sign, if known;

9 (4) the permit number or in-lieu identifying number issued by the Department  
10 pursuant to Section 604.1(c) of this Code;

11 (5) the approved and existing area, dimensions, height, and any other special  
12 features of the sign such as illumination or movement;

13 (6) the type of sign, as defined in Section 602 of this Code;

14 (7) evidence that the sign has not been removed and still exists at the authorized  
15 location, and that the sign company is the owner of the sign structure;

16 (8) permit number and, in the case of subsequent modifications of the sign,  
17 including, but not limited to, illumination, permit application number or permit number;

18 (9) evidence that the sign still is in use for general advertising; and

19 (10) information, if known, whether the sign had a prior use as a non-general  
20 advertising sign, including, but not limited to, a business sign or exempt sign, and the duration  
21 of such prior use.

22 (d) Affidavit. The general advertising sign company shall submit with the inventory  
23 an affidavit signed under penalty of perjury by a duly authorized officer or owner of the sign  
24 company stating that:  
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1 (1) the sign inventory and site map are current, accurate, and complete to the best  
2 of his or her knowledge;

3 (2) the officer or owner believes, after the exercise of reasonable and prudent  
4 inquiry, that all signs on the inventory have been erected or installed with an appropriate City  
5 permit or have an in-lieu identifying number granted by the Director of Planning;

6 (3) the general advertising sign company is the owner of all sign structures listed on  
7 the inventory.

8 (e) Inventory Update. Any general advertising sign company that has submitted an  
9 initial sign inventory pursuant to subsection (a) above shall be responsible for keeping its  
10 inventory updated by reporting in writing to the Department the sale or removal of any general  
11 advertising sign identified in the inventory, the purchase of a sign from another sign company  
12 or owner, or the relocation of a sign pursuant to a Relocation Agreement and conditional use  
13 authorization. Such reporting to the Department shall be made within 30 days of the actual  
14 sale, removal, purchase, or relocation of the sign. The fee charged to a sign company for an  
15 update to its initial sign inventory shall be the fee per sign structure set forth in Section 358 of  
16 this Code.

17 (f) Inventory Processing Fee. With the submission of the initial sign inventory  
18 required by subsection (a) above, the general advertising sign company shall pay the  
19 inventory processing fee set forth in Section 358 of this Code. After payment of this initial  
20 inventory processing fee, the general advertising sign company shall annually pay an inventory  
21 maintenance fee as set forth in Section 358. The Department shall use ~~this~~ the inventory processing  
22 fee solely for the following purposes:

23 (1) to compensate the Department for its costs in verifying that the signs identified  
24 in the corresponding inventory are lawfully existing;  
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1 (2) to obtain removal, through abatement actions or other code enforcement  
2 activities, of any signs included on the inventory that the Department determines to be existing  
3 illegally.

4 (g) Departmental Notification of Failure to Submit Complete Inventories. The  
5 Department shall notify in writing those sign companies that have not submitted or have  
6 submitted incomplete sign inventories, or have not timely submitted an inventory update.

7 (1) Within 30 days of the date of notification provided under subsection (g), the sign  
8 company shall submit a complete inventory with the inventory processing fee and a penalty of  
9 \$580 per sign for those signs that were not identified or those improperly identified.

10 (2) If the sign company fails to submit the complete inventory with the processing  
11 fee and full penalty amount provided in subsection (g)(1), then, within 60 days of the date of  
12 notification provided under subsection (g), the penalty will increase to \$1,160 per sign for  
13 those signs that were not identified or those improperly identified.

14 (3) Any penalties assessed pursuant to subsections (g)(1) and (2) above, are  
15 appealable to the Board of Appeals.

16 (4) The Board of Appeals, in reviewing the appeal of the penalty assessed may  
17 reduce the amount of the penalty if the Board of Appeals finds that the sign owner: (i) was not  
18 properly notified or (ii) had previously submitted a sign inventory that included the signs for  
19 which the penalty was assessed. The Board of Appeals also may reduce the amount of the  
20 penalty if it finds that any action on the part of the Department resulted an improper  
21 assessment of the penalty charge.

22 (5) If the sign company fails to submit the full penalty amount assessed pursuant to  
23 subsections (g)(1) and (2) or as modified by the Board of Appeals pursuant to subsections  
24 (g)(3) and (4), the Planning Department shall request the City's Treasurer/Tax Collector to  
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1 pursue the outstanding penalties after 90 days of the date of notification provided under  
2 subsection (g).

3 (6) All penalty revenues received shall be deposited in the Code Enforcement Fund.

4 (h) The Department shall submit to the Commission and the Board of Supervisors  
5 an annual report that includes: (i) annual revenues from the inventory processing fee, annual  
6 inventory maintenance fee, in-lieu application fee, and the relocation agreement application  
7 fee, (ii) annual expenditures for the sign inventory program, and (iii) a progress report on the  
8 number of general advertising signs verified in the sign inventory; in-lieu requests; and code  
9 enforcement actions for general advertising signs processing, backlog, and abatement  
10 actions.

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13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15 By:

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John D. Malamut  
Deputy City Attorney

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City and County of San Francisco  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 060849

**Date Passed:**

Ordinance amending the Planning Code to add Section 358 to establish fees for Planning Department processing and review of General Advertising Sign Inventories, annual Inventory maintenance, Relocation Agreements, and in-lieu applications and to provide for annual adjustment of said fees; amending Section 604 to cross reference these fees; and adopting findings including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

July 11, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

July 18, 2006 Board of Supervisors — FINALLY PASSED

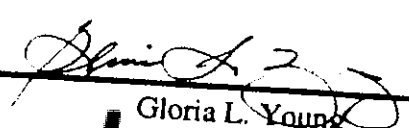
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,  
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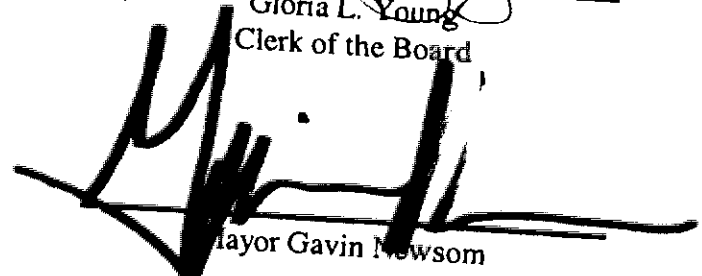
File No. 060849

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on July 18, 2006 by  
the Board of Supervisors of the City and  
County of San Francisco.

7/21/2006

Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Gavin Newsom

File No. 060849

City and County of San Francisco  
Tails Report

FILE NO. 060849

### LEGISLATIVE DIGEST

[General Advertising Signs - Fees.]

Ordinance amending the Planning Code to add Section 358 to establish fees for Planning Department processing and review of General Advertising Sign Inventories, annual inventory maintenance, Relocation Agreements, and in-lieu applications and to provide for annual adjustment of said fees; amending Section 604.2 to cross reference these fees; and adopting findings including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

#### Existing Law

Article 3.5 of the Planning Code establishes fees for various Planning Department and Commission services. Where no permit could be located for a general advertising sign, the Department charged certain fees for an in-lieu sign determination in accordance with Section 604.1(c).

#### Amendments to Current Law

The Ordinance would add Planning Code Section 358 to establish the following fees: \$1,000.00 per individual general advertising sign relocation agreement application; \$560.00 per sign structure for an initial inventory of general advertising signs owned by a sign company; \$320.00 per sign structure for an in-lieu application pursuant to Section 604.1, and \$48.00 for annual inventory maintenance. The legislation would include an annual CPI adjustment of these fees. The legislation would amend Section 604.2 to cross-reference these fees and make environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

#### Background Information

The proposed legislation is related to companion legislation concerning general advertising signs inventories and relocation agreements.

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